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8 Attorneys for DEFENDANT ERNST & YOUNG
LLP

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13 SACRAMENTO DIVISION
14

15 JOSEPH LANDON, individually and
16 on behalf of all others similarly
17 situated,

18 Plaintiffs,

19 v.

20 ERNST & YOUNG LLP, a limited
liability partnership; ERNST &
21 YOUNG U.S. LLP, a limited liability
partnership; and DOES 1-100,
22 inclusive,

23 Defendants.

Case No. 2:08-CV-00889-GEB-DAD

**DEFENDANTS ERNST & YOUNG
LLP'S AND ERNST & YOUNG U.S.
LLP'S RE-NOTICE OF MOTION
TO TRANSFER**

Date: June 30, 2008
Time: 9:00 AM
Ctrm: 10

1 TO ALL PARTIES AND COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT on June 30, 2008, at 9:00 a.m. in Courtroom 10
3 of the above-entitled court, located at 501 I Street, Suite 4-200, Sacramento, California
4 95814, defendants Ernst & Young LLP and Ernst & Young U.S. LLP will and hereby do
5 move for an order, pursuant to 28 U.S.C. § 1404(a), to transfer this action to the
6 Northern District of California.

7 Defendants seek an order transferring this action to Judge Jeremy Fogel in the
8 Northern District of California. The basis of defendants' motion is that *Ho v. Ernst &*
9 *Young LLP*, Case No. CV 05-04867, a substantially similar action, has been pending
10 before Judge Fogel in the Northern District of California since 2005, and the interests of
11 justice and convenience to the parties favor transfer.

12 This Motion is based upon this Notice of Motion and the Memorandum of Points
13 and Authorities filed on May 5, 2008, the Declaration of Daria Hodapp filed on May 5,
14 2008, the Declaration of Stephanie Der filed on May 5, 2008, any matter upon which the
15 Court may take judicial notice, all pleadings and papers in the Court's file, and upon
16 such argument as may be made at the hearing on this Motion.

17 Dated: May 16, 2008

18 AKIN GUMP STRAUSS HAUER &
19 FELD LLP
20 Catherine A. Conway
21 Gregory W. Knopp
22 Anastasia M. Boles
23 Stephanie S. Der

24 By /s/ Stephanie S. Der /
25 Stephanie S. Der
26 Attorneys for Defendant Ernst & Young
27 LLP
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 2029 Century Park East, Suite 2400, Los Angeles, CA 90067. On May 16, 2008, I served the foregoing document(s) described as:
DEFENDANTS ERNST & YOUNG LLP'S AND ERNST & YOUNG U.S. LLP'S
RE-NOTICE OF MOTION TO TRANSFER on the interested party(ies) below, using the following means:

Wayne S. Kreger, Esq.
 William A. Baird, Esq.
 Milstein, Adelman & Kreger, LLP
 2800 Donald Douglas Loop North
 Santa Monica, CA 90405
 310.396.9635 (fax)

Steven Elster, Esq.
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☒ BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. §

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 16, 2008 at Los Angeles, California.

Tracy Howe

[Print Name of Person Executing Proof]

/s/ Tracy Howe

[Signature]